

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FELTON PETROLEUM, INC.,

Plaintiff,

v.

GPM INVESTMENTS, LLC,

Defendant.

C.A. No. 07-760-JJF

[PROPOSED] RULE 16 SCHEDULING ORDER

The parties¹ having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by February 15, 2008 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** Plaintiff proposes that all motions to join other parties shall be filed on or before April 1, 2008. Defendant proposes that such joinder be made by February 15, 2008.

3. **Discovery.**

(a) Plaintiff proposes that the exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by April 30, 2008. Defendant proposes that the deadline should be February 29, 2008.

(b) Maximum of 15 interrogatories by each party to any other party in addition to those already produced.

¹ The parties have not reached agreement on all dates in this proposed Scheduling Order. Thus, where the parties disagree on dates, both proposals will be submitted.

(c) Maximum of 15 requests for admission by each party to any other party, in addition to those already propounded.

(d) Maximum of 10 depositions by plaintiff(s) and 5 by defendant(s). Plaintiff proposes that depositions shall not commence until the discovery required by Paragraph 3 (a, b and c) are completed. Defendant proposes that all fact depositions should be completed by March 31, 2008.

(e) Plaintiff proposes that reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due by May 15, 2008. Defendant proposes that such reports shall be due by April 10, 2008.

(f) Plaintiff proposes that any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties. Defendant proposes that such expert deposition occur within ten (10) days from receipt of said expert's report.

4. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers sent set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** Plaintiff proposes that all motions to amend the pleadings shall be filed on or before April 1, 2008. Defendant proposes that such amendment be by March 1, 2008.

6. **Case Dispositive Motions.** Plaintiff proposes that any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before May 30, 2008. Defendant proposes that the deadline should be April 30, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

7. **Application by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

8. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.²

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

DATE

UNITED STATES DISTRICT JUDGE

² Defendant believes that an expedited trial of the issues in this action can be accomplished by the end of May, 2008, and requests the same.